



Legislation Details (With Text)

File #: 18-0178 **Version:** 0 **Name:** Indoor Smoking - Hookah Lounges
Type: Ordinance **Status:** Enacted
File created: 1/22/2018 **In control:** Mayor
On agenda: **Final action:** 4/16/2018
Enactment date: **Enactment #:** 18-124

Title: Indoor Smoking - Hookah Lounges
 For the purpose of excepting hookah lounges from the City's indoor-smoking restrictions, subject to certain conditions; repealing two obsolete exceptions that have been preempted by more stringent State law and, as such, are invalid; and generally relating to the operation of hookah lounges.

Sponsors: President Young, Robert Stokes, Sr.

Indexes: Hookah Lounges, Smoking

Code sections:

Attachments: 1. 18-0178~1st Reader, 2. BDC 18 0178, 3. Finance 18-0178, 4. MHealth 18-0178, 5. Police 18 0178, 6. Law 18-0178, 7. Board fo Liquor License 18-0178, 8. Planning 17-0178, 9. BMZA 18-0178, 10. Fire 18-0178, 11. HCD 18-0178, 12. 2nd Reader Amendment 18-0178, 13. 18-0178~3rd Reader, 14. Completed File_18-0178

Date	Ver.	Action By	Action	Result
4/16/2018	0	City Council	Enacted, pursuant to Baltimore City Charter, Art. IV, Sec. 5(c)	
2/26/2018	0	City Council	Approved and Sent to the Mayor	
2/5/2018	0	City Council	3rd Reader, for final passage	
2/5/2018	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
1/30/2018	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	Pass
1/25/2018	0	The City Council	Refer to Fire Department	
1/25/2018	0	The City Council	Refer to Police Department	
1/25/2018	0	The City Council	Refer to Board of Liquor Licenses Commissioners	
1/25/2018	0	The City Council	Refer to Dept. of Finance	
1/25/2018	0	The City Council	Refer to Dept. of Planning	
1/25/2018	0	The City Council	Refer to Baltimore Development Corporation	
1/25/2018	0	The City Council	Refer to Board of Municipal and Zoning Appeals	
1/25/2018	0	The City Council	Refer to Dept. of Housing and Community Development	
1/25/2018	0	The City Council	Refer to Dept. of Health	
1/25/2018	0	The City Council	Refer to City Solicitor	
1/22/2018	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	

1/22/2018	0	City Council	Assigned
1/22/2018	0	City Council	Introduced

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*
City of Baltimore
Council Bill

Introduced by: President Young

A Bill Entitled

An Ordinance concerning

Indoor Smoking - Hookah Lounges

For the purpose of excepting hookah lounges from the City's indoor-smoking restrictions, subject to certain conditions; repealing two obsolete exceptions that have been preempted by more stringent State law and, as such, are invalid; and generally relating to the operation of hookah lounges.

By repealing and reordaining, with amendments

Article - Health
Section 12-107
Baltimore City Revised Code
(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article - Health

Title 12. Tobacco Products and Smoking Devices

Subtitle 1. Indoor Smoking

§ 12-107. Exceptions - [Private clubs, smoking bars, tobacconists] Retail tobacco establishments; Hookah lounges.

(a) *In general.*

This subtitle does not apply to [a private club or lodge, a smoking bar, or] a retail tobacco establishment or a hookah lounge that qualifies [for an exemption] under this section.

[(b) *Qualifications.*]

[(1) A private club or lodge qualifies under this section only if it:

(i) has a limited membership elected pursuant to its charter or bylaws;

- (ii) excludes the general public from its premises or place of meeting;
- (iii) is organized with officers and directors;
- (iv) holds all property for the common benefit of its members; and
- (v) does not permit nonmembers to pay a temporary fee to use its premises or attend its meetings.]

[(2) A smoking bar qualifies under this section only if it:

- (i) is licensed under State Code Article 2B to serve alcoholic beverages;
- (ii) derives at least 50% of its revenues, measured by average daily receipts, from the sale of non-cigarette tobacco products;
- (iii) has a ventilation system that prevents smoke from infiltrating into any area where smoking is prohibited under this subtitle; and
- (iv) prohibits the entry of minors at all times.]

(b) *Retail tobacco establishments.*

[(3)] A retail tobacco establishment qualifies under this section only if it:

- (1) [(i)] derives at least 75% of its revenues, measured by average daily receipts, from the sale of non-cigarette tobacco products;
- (2) [(ii)] has a ventilation system that prevents smoke from infiltrating into any area where smoking is prohibited under this subtitle; and
- (3) [(iii)] prohibits the entry of minors at all times.

(c) *Hookah lounges.*

(1) *“Hookah lounge” defined.*

In this subsection, “hookah lounge” means an establishment that is primarily devoted to the on-premises use of 1 or more hookahs (also known as a hookah pipe, water pipe, shisha, or narghile) for smoking tobacco or other substances.

(2) *Qualifications.*

A hookah lounge qualifies under this section only if it:

- (i) derives at least 75% of its revenues, measured by average daily receipts, from the sale or use of non-cigarette smoking products and accessories;
- (ii) has a ventilation system that prevents smoke from infiltrating into any area where smoking is prohibited under this subtitle; and
- (iii) prohibits the presence of minors at all times.

Section 2. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 3. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.